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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,009	07/14/2003	Claudiu D. Pruteanu	20020320.ORI	6036
23595	7590	03/10/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/619,009	Applicant(s) PRUTEANU, CLAUDIU D.	
	Examiner Gregory W. Adams	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 7, 9, 10, 13, 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. With respect to claim 4, line 2, how does the refuse truck physically assume the shape of a stackable container? With reference to the Specification, it is unclear how an inanimate object can physically assume the shape of another inanimate object unless the former exists in the shape of the latter.
4. With respect to claim 7, line 2, it is unclear what is meant by the passage "aid truck body".
5. Claim 9 recites the limitation "loading hopper" in line 12. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 10 recites the limitation "truck body" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 13 recites the limitation "truck body" in line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 14 recites the limitation "truck body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claims 1-3, 6, 8-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Colin (US 4,406,573).

11. With respect to claim 1-3, referring to FIGS. 1-13 Colin '573 discloses a rear-loading, rear discharging refuse truck body 2, 4 comprising a storage receptacle 2, tailgate 4 connected carrying a loading hopper 7, 22, tailgate packing system 4, 5, 7, a truck body 2, 4 further comprising a full height ejection panel 3, 11, loading hopper 7, 22 mounted to rotate vertically on a truck body.

12. With respect to claim 6, referring to FIGS. 1-13 Colin '573 discloses a loading hopper 7, 22 which provides a sealing to a truck body. Col. 3, Ins. 1-10. It is noted that Colin discloses sealing to prevent material from anywhere but into a truck body.

13. With respect to claim 8, referring to FIGS. 1-13 Colin '573 discloses a truck body 2, 4 further comprising hydraulic cylinders 5, 16, 18.

14. With respect to claim 9, referring to FIGS. 1-13 Colin '573 discloses a rear-loading, rear discharging refuse vehicle 2, 4 comprising a chassis, refuse collection body 2, 22, including a storage receptacle 2, hinged tailgate 4 connected to a storage receptacle 2, and a packing system 3, 11 for receiving refuse and charging refuse into a storage receptacle 2.

Art Unit: 3652

15. With respect to claim 10, referring to FIGS. 1-13 Colin '573 discloses a refuse vehicle 2, 4 further comprising a full height ejection panel 3, 11 in a refuse collection body 2, 4.

16. With respect to claim 11, referring to FIGS. 1-13 Colin '573 discloses a loading hopper 7, 22 mounted to rotate 19 vertically.

17. With respect to claim 12, referring to FIGS. 1-13 Colin '573 discloses a refuse vehicle 2, 4 further comprising hydraulic cylinders 5, 16, 18

18. With respect to claim 14, referring to FIGS. 1-13 Colin '573 discloses a loading hopper 7, 22 which provides sealing to a refuse collection body 2, 7.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 4, 5, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colin (US 4,406,573) as applied to claim 1-3, 9 above, and further in view of Sjostedt (US 5,678,715).

21. With respect to claims 4, 7 and 13, Colin does not disclose a stackable container with lifting lugs. Referring to FIGS. 1-46 Sjostedt '715 discloses a truck body 10 (e.g. refuse vehicle) which assumes a shape of a stackable container (col. 1, Ins. 38-45), and further comprising lifting lugs 610, 674. Sjostedt '715 teaches that stackable truck body with lifting lugs fully utilizes ground or floor space when in storage, the stacking and

Art Unit: 3652

lifting lugs capable of supporting loads created during stacking. Col. 1, Ins. 30-50.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the truck body of Colin to assume a shape of a stackable container with lifting lugs, as per the teachings of Sjostedt, to utilize ground or floor space when in storage, the stacking and lifting lugs capable of supporting loads created during stacking.

22. With respect to claim 5, referring to FIGS. 1-13 Colin '573 discloses a loading hopper 7, 22 which provides sealing to a truck body. Col. 3, Ins. 1-10.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,382,740 to Smith

US 3,682,336 to Wieschel et al.

US 4,551,055 to Demenais

US 5,158,340 to Boda

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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